

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS –Land Acquisition–Srisailam Right Branch Canal – Lands acquired at Alaganur Village, Midthur Mandal in Kurnool District for excavation of SRBC– O.P.No.6123/91 on the file of Sr.Civil Judge Court, Nandikotkur disposed off – Market value enhanced–Appeal disposed by the High Court– Depositing of balance decretal amount in the Lower Court – Budget sanctioned- Orders – Issued.

IRRIGATION & CAD(PW.LA.II)DEPARTMENT

G.O.Rt.No. 102

Date:17-02-2009
Read the following:-

- 1)From the Special Deputy Collector(LA), Srisailam Right Branch Canal, Nandyal Lr.Rc.B.159/2000, Dated:12-11-2007,25.02.2008&31.03.08.
- 2)From the Special Collector, Srisailam Project, Kurnool Lr.Rc. No. B6/7 /04 ,Dated:24-04-2008 .
- 3)From the CCLA & Spl.Chief Secretary to Govt., A.P.,Hyderabad, Letter .No .SRP4/535/2008, dt.13-11-2008.

O R D E R:

The Special Deputy collector (LA)SRBC ,Nandyal in his letters 1st read above has reported that the dry lands in Survey .No.461/C1B etc., for an extent of 27.78 acres of Alaganur Village, Midthur Mandal in Kurnool District by fixing the Market value @ Rs.6,500/- per acre for category-I lands and @ Rs.10,000/- per acre for category-II lands and @ Rs.3,000/- per acre for category-III through Award No.3/86-87 ,Dated:26.05.86 for excavation of SRBC I. Aggrieved with the Market value awarded by the L.A.O. , the awardees have filed petitions u/s 18 of the L.A. Act with a request to refer the matter to the Civil Court for adjudication . On making references u/s 18 of L.A. Act to the Lower Court , the Senior Civil Judge Court , Nandikotkur had delivered Judgements enhancing the market value from Rs.6,500/- (Category-I), Rs.10,000 (Category-II); and Rs.3,000/- per acre for (category-III) to Rs.20,000/- per acre in O.P.No.6123/91. That the claimant is entitled at solatium of 30% and interest at 9% P.A. for the first year from the date of taking possession and 15% per annum till realization. Aggrieved with the market value enhanced by the Lower Court , the special Deputy Collector,LA, SRBC,Nandyal has filed appeal in the Hon'ble High Court of A.P., Hyderabad . The Hon'ble High Court of A.P. has granted interim stay with a condition to pay 50% of decretal amount. Accordingly an amount of Rs.1,56,857/- has been deposited in the Sr.Civil Judge v Court, Nandikotkur on 30.09.2004 .Subsequently, the High Court of A.P., Hyderabad in its judgement dated :18.12.2006 in A.S.No. 952 of 2001 while disposing of the appeal has enhanced the rate of 9% interest from the date of publication of notification under sec.4(1) of the act for a period of one year on the enhanced compensation , 30% solatium and addl.market value and thereafter 15% p.a. till

(P.T.O.)

the date of payment. The Hon'ble High Court has dismissed the appeal filed by the LAO/SDC and confirmed the orders of the Lower Court. On the above judgement, the Government Pleader for Appeals, High Court of A.P., Hyderabad, vide his Lr.No.A.S.-952/01/A4, dated:08.10.2007 has stated that, the reference Court fixed the MV@Rs.20,000/- per acre. The Hon'ble High Court while confirmed the M.V. fixed by the reference court, However modified interest from the date of 4(1) notification instead of taking advance possession. The G.P. opined that it is not fit case to prefer any further appeal to Hon'ble supreme Court of India and advised to comply with the judgement passed by the Hon'ble High Court immediately without any further delay so as to avoid payment of exorbitant rate of interest. Based on the G.P. opinion of the Special Deputy Collector has submitted the balance decretal charge proposalsto the Spl.Collector, SSP,Kurnool for sanction.

2.. In turn, the Special Collector, Srisailam project , Kurnool in his letter 2nd read above has submitted budget proposals for an amount of Rs.2,08,888/- towards payment of balance decretal charges in respect of O.P.No. 6123/91 (1 cases) pertaining to Alaganur village of Midhtur Mandal in Kurnool District through Chief Commissioner of Land Administration , A.P., Hyderabad with a request to recommend for the same to the Government.

3.. The Spl.CS to Govt & CCLA Hyderabad in his letter 3rd read above has sent the above proposal of Spl.Collector , SSP, Kurnool to the Government with a request to issue necessary orders.

4. In the circumstances reported by the Special Collector, Srisailam Project, Kurnool in the reference 2nd read above and in view of the report of Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad thereon in the reference 3rd read above and Government after careful examination the matter hereby accord sanction for an amount of Rs.2,08,888/- (Rupees Two lakhs eight thousand eight hundred and eighty eight only) towards payment of balance decretal charges to be deposited in the Lower Court to the credit of OP No's.6123/91 pertaining to Alaganur Village, Midhtur Mandal in Kurnool District in connection with the lands acquired for excavation of SRBC.

5. The Special Collector, SSP,Kurnool is, directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 30-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court.

6. The amount sanctioned in para (4) above shall be debitale to the detailed Head of Account "2701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 –SRBC; G.H. 11- Normal State Plan; S.H. (27) Canals and Distri butaries'; 530 Major Works; 532 – Lands (charged)".

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7. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.305/F4(1)/2009-1, dt.03.02..2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Special Collector, Srisailam Project, Kurnool,
The Special Chief Secretary to Govt. & Chief Commissioner
of Land Administration, Hyderabad
The Chief Engineer(P), Irrigation, Cuddapah
The Chief Engineer(P), Irrigation, Kurnool.
The Engineer-in-Chief, Irrigation, Errumanzil, Hyderabad
The Special Deputy Collector, (LA), SRBC, Nandyal, Kurnool District.

The Accountant General, AP, Hyderabad
The Director of Works & Accounts, Hyderabad.
The District Treasury officer, Kurnool
The Joint Director, Works & Accounts TGP, Kadapa.
The Pay & Accounts Officer, Nandyal

Copy to:-

The PS to Minister (Major Irrigation)
The P.S. to Secretary(Irrigation&CAD),
The Law Department
The Finance(Works & Projects)Department,
SF/SCs.

//FORWARDED:::BY ORDER//

SECTION OFFICER